

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : John Kung et al.
Serial No. : (Continuation of 09/361,426) Art Unit: 1619
Filed : March 28, 2001 Examiner:
For : COMPOSITION TO ENHANCE PERMEATION OF TOPICAL SKIN AGENTS

Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Dear Sir:

This Preliminary Amendment is being filed in this continuation application of Patent Application Serial No. 09/361,426. Kindly amend the claims as follows:

IN THE CLAIMS:

Kindly cancel claims 2-26.

Kindly add the following claims:

27. A composition comprising:
 - a) a topically active amount of a pharmaceutical or cosmetic active ingredient;
 - b) from about 0.01% to about 20% of a non-ionic polymeric emulsifier;
 - c) from about 0.01% to about 20% of a sugar; and
 - d) from about 0.01% to about 20% of a polyoxyethylene alcohol.
28. A composition according to claim 27 wherein said topically active pharmaceutical or cosmetic active ingredient is a retinoid.
29. A composition according to claim 28 wherein said retinoid is retinol.
30. A composition according to claim 27 wherein said non-ionic polymeric emulsifier is a hydrophilic cross-polymer which has been hydrophobically modified.

31. A composition according to claim 30 wherein said hydrophobically modified hydrophilic cross-polymer has from about 10 to about 30 carbon atoms.
32. A composition according to claim 31 wherein said hydrophobically modified hydrophilic cross-polymer is an acrylate/C10-30 alkyl acrylate crosspolymer.
33. A composition according to claim 27 wherein said non-ionic polymeric emulsifier comprises from about 0.1 to about 5 weight percent of the composition.
34. A composition according to claim 27 wherein said non-ionic polymeric emulsifier comprises from about 0.1 to about 1 weight percent of the composition.
35. A composition according to claim 27 wherein said sugar is selected from the group consisting of ascorbic acid-2-glucoside, oligosaccharides and combinations thereof.
36. A composition according to claim 35 wherein said sugar is ascorbic acid-2-glucoside.
37. A composition according to claim 35 wherein said oligosaccharides are selected from the group consisting of lactose, melibiose and combinations thereof.
38. A composition according to claim 27 wherein said polyoxyethylene alcohol is steareth-10-20.
39. A composition according to claim 27 wherein said polyoxyethylene alcohol comprises from about 0.01 to about 5 weight percent of the composition.
40. A composition according to claim 27 wherein said polyoxyethylene alcohol comprises from about 0.01 to about 2 weight percent of the composition.
41. A composition according to claim 27 wherein the ratio of said hydrophobically modified acrylic acid to said sugar is from about 0.001 to about 1000.
42. A composition according to claim 27 wherein the ratio of said hydrophobically modified acrylic acid to said polyoxyethylene alcohol is from about 0.001 to about 1000.

43. A composition according to claim 27 wherein the ratio of said sugar to said polyoxyalkylene is from about 0.001 to about 1000.
44. A composition according to claim 27 wherein the ratio of said hydrophobically modified acrylic acid to said sugar is from about 0.1 to about 10.
45. A composition according to claim 27 wherein the ratio of said hydrophobically modified acrylic acid to said polyoxyalkylene alcohol is from about 0.1 to about 10.
46. A composition according to claim 27 wherein the ratio of said sugar to said polyoxyalkylene is from about 0.1 to about 10.
47. A topical composition comprising: retinol; from about 0.1 to about 5 weight percent of acrylate/C10-30 alkyl acrylate crosspolymer; from about 0.1 to about 10 weight percent of ascorbic acid-2-glucoside; and from about 0.01 to about 5 weight percent of polyoxyalkylene alcohol.
48. A method of mitigating retinoid irritation of human skin in a composition containing a retinoid comprising applying to said skin a composition comprising:
- a) a topically active amount of a retinoid;
 - b) from about 0.01% to about 20% of a non-ionic polymeric emulsifier;
 - c) from about 0.01% to about 20% of a sugar; and
 - d) from about 0.01% to about 20% of a polyoxyethylene alcohol.

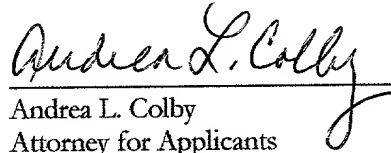
REMARKS

This Preliminary Amendment is respectfully submitted in the above-identified patent application, a continuation of patent application Serial No. 09/361,426. Basis for the claims may be found in the original Specification as follows: for claim 27, p. 6, l. 22-26; for claim 28, p. 7, l. 18; for claim 29, p. 9, l. 25; for claim 30, p. 3, l. 22-23; for claim 31, p. 3, l. 24-26; for claim 32, p. 3, l. 26-27; for claim 33, p. 4, l. 4-5; for claim 34, p. 4, l. 5-7; for claim 35, p. 4, l. 16-18; for claim 36, p. 4, l. 17; for claim 37, p. 4, l. 18 and original claim 14; for claim 38, p. 4, l. 27; for claim 39, p. 5, l. 2-3; for claim 40, p. 5, l. 3-4; for claim 41, p. 5, l. 26-27; for claim 42, p. 5, l. 27-29; for claim 43, p. 5, l. 26-27; for claim 44, p. 6, l. 4-5; for claim 45, p. 6, l. 5-6; for claim 46, p. 6, 6-7; for claim 47, p.

6, l. 22-26, p. 3, l. 22 - p. 4, l. 5, p. 4, l. 16-23 and p. 4, l. 27 - p. 5, l. 4; and for claim 48, original claim 24 and p. 6, l. 22-26.

Applicants respectfully request consideration of the foregoing claims. An early allowance is solicited.

Respectfully submitted,



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